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Att'y Dkt. No. US-106  
U.S. App. No. 10/760,283

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Asahara et al.

Appl. No.: 10/760,283

Filing Date: January 21, 2004

Title: Method for producing L-lysine using methanol-utilizing bacterium

Art Unit: 1651

Examiner: to be assigned

Atty. Docket: US-106

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

☐2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐c. Attached is our check no. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).

☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. \_\_\_\_\_ in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐4. Relevance of the non-English language document(s) is discussed in the present specification. See pages \_\_\_\_\_ of the specification of the present application.

☐5. The document(s) was/were cited in a corresponding foreign application. ☐ A copy of a search report issued in the foreign application is attached. ☐ An English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 (A)(3).


☒6. A concise explanation of the relevance of the non-English language document(s) ☒ is attached hereto or ☐ appears below.

- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☐ 9. Other: \_\_\_\_\_.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

By:

  
\_\_\_\_\_  
Shelly Guest Cermak  
Reg. No. 39,571

Date: June 10, 2004

**000038108**

PATENT TRADEMARK OFFICE

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FORM PTO 1449 <b>INFORMATION DISCLOSURE STATEMENT</b>	ATTY. DKT. NO.: US-106	APP. NO.: 10/760,283
	APPLICANT(S): Asahara et al.	
	FILING DATE: January 21, 2004	Group Art Unit: 1651

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	USP 3,907,637	23 Sep. 1975	Kiyoshi Nakayama et al	195	29	5 April 1974
	USP 3,907,641	23 Sep. 1975	Kiyoshi Nakayama et al	195	49	5 April 1974
	USP 5,217,883	8 Jun. 1993	Hideharu Anazawa et al	435	252.3	2 August 1991

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	JP45-25273	21 Aug. 1970	Japan			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	JP50-25790	18 Mar. 1975	Japan	C12D	13/06	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	JP52-18886	12 Feb. 1977	Japan	C12D	13/06	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	WO90/12105	18 Oct 1990	PCT	C12P	13/04	<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 1188822	20 Mar. 2002	EPO	C12N	1/21	<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP0733710	25 Sep. 1996	EPO	C12N	15/54	<input type="checkbox"/> Yes <input type="checkbox"/> No

## OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

	Hiroshi Aida et al., Amino Acid Fermentation, Kabushiki Kaisha Gakukai Shuppan Center, 30 May 1986, p. 273-305
	A. T. Moore et al., Genetic Mapping in <i>Methylophilus methylotrophus</i> AS1, Journal of General Microbiology, 1983, p. 785-799, Vol. 129
	Mary L. O'Connor et al., Linkage Relationships Between Mutants of <i>Methylobacterium organophilum</i> Impaired in their Ability to Grow on One-carbon Compounds, Journal of General Microbiology, 1978, p. 105-111, Vol. 104
	J. D. Windass, Improved conversion of methanol to single-cell protein by <i>Methylophilus methylotrophus</i> , Nature, 1980, p. 396-401, Vol. 287
	C. S. Kim et al., Creating auxotrophic mutants in <i>Methylophilus methylotrophus</i> AS1 by combining electroporation and chemical mutagenesis, Appl. Microbiol. Biotechnol., 1997, p. 105-108, Vol. 48
	Shin-ichi Matsuyama et al., Construction and Characterization of a Deletion Mutant Lacking <i>micF</i> , a Proposed Regulatory Gene of OmpF Synthesis in <i>Escherichia coli</i> , Journal of Bacteriology, June 1985, p. 1196-1202, Vol. 162, No. 3

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	